

IN THE SUPREME COURT OF THE STATE OF ALASKA

KEVIN MEYER *et al.*,

Plaintiffs,

v.

ARCTIC VILLAGE COUNCIL *et al.*,

Defendants.

Case No. S-17902

Superior Court Case No. 3AN-20-07858 CI

Hon. Dani Crosby, Superior Court Judge

NOTICE OF STIPULATED STAY PENDING PETITION FOR REVIEW

This Response addresses Defendants-Petitioners (“Defendants”) Motion for an Emergency Stay Pending Petition for Review. Following additional email correspondence, the parties have come to an agreement to the terms of a stay as described herein. The parties were not far apart before, but now agree that Defendants will undertake all preparations save any printing or production of replacement television ads.

On October 5, 2020, the Superior Court Judge Crosby granted Plaintiffs-Respondents’ (“Plaintiffs”) Motion for Preliminary Injunction on the basis that Plaintiffs established a probability of success on the merits on their right to vote claim—that enforcing the Witness Requirement during a pandemic severely burdened Plaintiffs, Plaintiffs’ members, and Alaskans’ right to vote and that the state’s interests did not justify such an infringement. Order at 12–14 (Oct. 5, 2020). As for effectuating relief and eliminating the Witness Requirement, the Court provided both sides an opportunity to propose the terms of the injunction and delay the issuance of relief and permit Defendants to seek review in this Supreme Court. *Id.* at 15.

On October 6, 2020, in response to Judge Crosby’s order that Plaintiffs and

Defendants propose the contours of preliminary injunctive relief, the parties in good faith discussed the best way to draft a joint proposed preliminary injunction order. The parties reached agreement on almost all the language in the proposed order, but ran ultimately ran out of time. The Parties disagreed on a single issue and each filed separate proposed injunction orders. These two proposals are nearly identical, differing only in one respect.

The State's proposal ends with this language:

This Order will go into effect in the event that the Alaska Supreme Court upholds the preliminary injunction.

Plaintiffs' proposal ends with this language:

In the event the Supreme Court of Alaska affirms this Court's injunction or denies Defendants' petition for review to the Supreme Court, Defendants will be one-hundred percent prepared and ready to effectuate immediately all the relief set forth in this Order, without further delay. Defendants will not use any additional time or delay caused by the stay as a defense for not being able to comply with the terms of this Preliminary Injunction Order.

Subsequently, Defendants clarified that they are willing to undertake all *preparations* for voter education save for printing and remaking of advertisements even while review before this Court is pending. This agreement modifies Exhibit B so that it reads:

In the event the Supreme Court of Alaska affirms this Court's injunction or denies Defendants' petition for review to the Supreme Court, Defendants will be fully prepared and ready to effectuate immediately all the relief set forth in this Order, with the exception of printing postcards and making television advertisements, without further delay. Defendants will not use any additional time or delay caused by the stay as a defense for not being able to comply with the terms of this Preliminary Injunction Order.

Accordingly, with these terms, the Parties stipulate to a stay of the superior court's preliminary injunction pending this Court's resolution of the Petition for review. A copy

of this proposed order is filed herewith.

DATED this 7th day of October 2020.

/s/ Natalie A. Landreth

/s/ Matthew N. Newman

/s/ Wesley James Furlong

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